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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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JOSEPH S TRIPOLI
THOMSON MULTIMEDIA LICENSING INC
P O BOX 5312
PRINCETON NJ 08540

DEC 02 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Haoping YU, et al.
Application No. 09/555,488
Filed: May 31, 2000
For: LOW NOISE ENCODING AND
DECODING METHOD

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition for Withdrawal of Abandonment, filed October 6, 2003.

This application was held abandoned for failure to timely and effectively respond to the final Office action mailed January 13, 2003. A Notice of Abandonment was mailed September 24, 2003. Petitioner alleges that the Office action was not received.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

In support of the instant petition, petitioner has submitted a statement stating that the Notice of Allowance was not received by the practitioner and a statement that he searched the file jacket and the docket records of the application and found no evidence that the Office action was received.

The petition is **GRANTED**.

Accordingly, the Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for re-mailing the final Office action originally mailed on January 13, 2003. The time period for response will begin as of the mailing date thereof.

A handwritten signature in cursive script that reads "Allen MacDonald".

Allen MacDonald, Director
Technology Center 2600
Communications